

PHILLIP DUGAN A4007899
Name and Prisoner/Booking Number
MAUI COMMUNITY CENTER CORRECTIONAL
Place of Confinement
600 WAI'ALE DR.
Mailing Address
WAILUKU, HI 96793
City, State, Zip Code

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 26 2007

at 1 o'clock and 53 min P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PHILLIP DUGAN)
(Full Name of Plaintiff) Plaintiff,)
vs.)
CARSON F. TANI)
PROSECUTOR, MAUI COUNTY)
MAUI COMMUNITY CORRECTIONAL)
CENTER; NICK KRAU, (OFFICER))
(Full Name of Each Defendant) Defendant(s).)
MAUI POLICE DEPARTMENT)
DETECTIVE MARK KAHANA)

CASE NO. CV 07-00216 HG KSC
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

JURY TRIAL DEMANDED

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
- ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 - ☒ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
 - ☒ Other: (Please specify.) NO RELIEF FROM GRIEVANCES AND HOSTEL/DANGEROUS ENVIRONMENT...
2. Name of Plaintiff: PHILLIP DUGAN
Present mailing address: 600 WAI'ALE DR. WAILUKU, HI 96793
(Failure to notify the Court of your change of address may result in dismissal of this action.)
Institution/city where violation occurred: M.C.C. & MAUI POLICE DEPARTMENT WAILUKU, HI.

3. Name of first Defendant: CARSON F. TANI. The first Defendant is employed as:
PROSECUTING ATTORNEY at MAUI COUNTY
 (Position and Title) (Institution)

The first Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the first Defendant was acting under color of law: AS A PROSECUTING ATTORNEY, HE REFUSED TO FILE CHARGES ON AN ASSAULT (WITH WEAPON) AND MOTORCYCLE THEFT.

4. Name of second Defendant: MAUI COMMUNITY CORRECTIONAL CENTER. The second Defendant is employed as:
WARDEN ALAN NOCHI at M.C.C.C.
 (Position and Title) (Institution)

The second Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both).
 Explain how the second Defendant was acting under color of law: FOLLOWING, FABRICATED CHARGES - IE, MISTAKEN - WARRANT OF COMMITMENT TO JAIL.

5. Name of third Defendant: NICK KRAU. The third Defendant is employed as:
OFFICER at MAUI POLICE DEPARTMENT
 (Position and Title) (Institution)

The third Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the third Defendant was acting under color of law: MANY FALSE ARRESTS TO WIT - HELPED STEAL MOTORCYCLE BY WRONGFUL ASSISTED "REPOSSESSION" THEFT OF MOTORCYCLE THROUGH FABRICATED ARREST BY FORCE - ALLEGED.

6. Name of fourth Defendant: DET. MARK KAHANA. The fourth Defendant is employed as:
DETECTIVE / OFFICER at MAUI POLICE DEPARTMENT
 (Position and Title) (Institution)

The fourth Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the fourth Defendant was acting under color of law: HAD MOTOR VEHICLE DEPARTMENT CHANGE VEHICLE TITLE, REFUSED TO FILE ASSAULT CHARGES / THEFT OF MOTORCYCLE THROUGH FORCE.

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

- Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
- If your answer is "yes," how many lawsuits have you filed? 0. Describe the previous lawsuits in the spaces provided below.
- First prior lawsuit:
 - Parties to previous lawsuit: N/A
 - Plaintiff: _____
 - Defendants: _____

- b. Court: (If federal court, identify the district; if state court, identify the county.) N/A
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____

4. Second prior lawsuit:

- a. Parties to previous lawsuit: N/A
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____

5. Third prior lawsuit:

- a. Parties to previous lawsuit: N/A
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

C. CAUSE OF ACTION**COUNT I**

1. The following constitutional or other federal civil right has been violated by the Defendant(s): FALSE ARREST, FALSE IMPRISONMENT, FAILURE TO PROSECUTE, FAILURE TO ARREST ASSAULT PERPETRATORS
2. Count I involves: (Check only one; if your claim involves more than one issue, each issue should be stated in a different count)
- | | | |
|--|--|---|
| <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Retaliation |
| <input type="checkbox"/> Other: _____ | | |
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).
- I WAS ATTACKED WITH "TOWCHAIN" IN AN ALLEGED REPO-ATTEMPT.
TITLE WAS TAKEN, NO CHARGES FILED, ARRESTS ECT., LATER
MY HARLEY DAVIDSON MOTORCYCLE WHICH I OWNED WAS TAKEN BY FORCE
BY NICK KRAV, MARK KAHANA LATER HAD MOTOR VEHICLE DEPARTMENT
LATER HAD CHANGE MY TITLE SO MOTORCYCLE REFLECTED BEING ENCUMBERED
I TOLD CARSON F. TANE THIS, AFTER I HAD BEEN ALLOVER ISLAND
TRYING TO GET CHARGES FILED (ASSAULT, "BRIKETHEFT", TITLE
CHANGE ECT., NO ANSWER. INSTEAD HE ARRESTED / CHARGED MYSELF
WITH CRIMES PERTAINING TO FORSAID EVENTS. BY GRAND JURY
INVOLVEMENT,
4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).
Bodily (FROM ASSAULT) MENTALLY BY VINDICTIVE PROSECUTION
PROSECUTORIAL MISCONDUCT RESULTING IN MORE ASSAULTS, FALSE
ARRESTS, FALSE IMPRISONMENTS UNLAWFUL CONFINEMENT
CONTINUING - CHARGES FABRICATED TO SECURE
SUPPORT THEIR POSITIONS,
5. **Administrative Remedies:**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
 - Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☒ No
 - If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. HEALTH, THREATS, LOCATION, COURTS CONTINUED
ASSAULTS ON PERSON FEAR OF LOSS OF LIFE AND FREEDOM

COUNT II

1. The following constitutional or other federal civil right has been violated by the Defendant(s): CONTINUED THREATS TO LIFE, FREEDOM ASSAULTS ON PERSON/MYSELF.
BECAUSE OF CONTINUED UNLAWFUL CONFINEMENT, FABRICATED CHARGES
ECT...

2. Count II involves: (Check only one; if your claim involves more than one issue, each issue should be stated in a different count)

<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion
<input type="checkbox"/> Excessive force by an officer	<input checked="" type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

WHILE IN CUSTODY; AFTER LEAVING ISLAND BY FORCE AND
THREATS TO LIFE, I WAS TAKEN BACK TO MAUI FROM STATE
OF WASHINGTON (DID NOT FIGHT EXTRA JUDICIAL TO SHOW GOOD FAITH
IN WANTING TO ADDRESS FALSE ALLEGATIONS AND TO PERHAPS
GET SOME RELIEF.. WRONG CHOICE, ARRESTED 3-9-07
WHILE IN CUSTODY FOR H.I. IN WASHINGTON STATE, ASSAULTED
BY STAFF-C.O. MOUNTS RESULT LOSS OF MOLAR (TOOTH) TRANSPORTED
TO WAILUKU JAIL - VISIT BY NICK KRAV TOLD "WELCOME BACK TO
MAUI!" ASSAULTED TASED BY SGT. WHO LET HIM VISIT, FOR REFUSING TO
LEAVE SECURITY OF HOLDING CELL...

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).
TASED TWICE IN HOLDING CELL LOSS OF BLADDER CONTROL FORCED TO
CRAWL DOWN HALLWAY WITH PROBS STILL ATTACHED, INTIMIDATION BEFORE FROM
NICK KRAV M.P.D - HAD TO WASH SOILED CLOTHING NO SHOWER FOR 48 HRS.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. STILL HERE WANT TO SURVIVE STAY CONTACTED
MARK AV OMBUDSMAN WHO IS INVESTIGATING PROSECUTOR.

CARSON F. TATE AS PER
PHONE CALL FROM HIM TOME
TODAY 4/17/07

COUNT III

1. The following constitutional or other federal civil right has been violated by the Defendant(s): ASSAULT RESULTING IN TASER BEING USED - UNLAWFUL CONFINEMENT
EXCESSIVE BAIL TO FORCE CONFINEMENT, MALICE, CONTINUED RETALIATION ACTIONS TAKEN PLACE. PLEASE HELP
2. Count III involves: (Check only one; if your claim involves more than one issue, each issue should be stated in a different count)
- | | | |
|---|--|---|
| <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Other: _____ | | |
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments). OFFICER 3-25-07
- AFTER INTIMIDATING VISIT FROM WICK KRAY, WAS TASED
TWICE FOR REFUSING TO LEAVE SAFETY OF HOLDING CELL, HEALTH
ISSUES - SCARED, THREATENED - CAN'T GET RELIEF FROM
COURTS YET - TO DATE, BEEN FORCED TO PROCEED PRO-SE
CANNOT SECURE EFFECTIVE COUNCIL OR MAVE TO
HELP WITH ALL ISSUES IN FEAR OF MORE RETALIATION
VINDICTIVE PROSECUTION, WRATH OF PROSECUTOR'S OFFICE, WRATH
OF MAVE POLICE DEPARTMENT, WRATH OF "RELATED" A.C.O'S WHILE IN
CUSTODY HERE. Small Island People Related Etc...
4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)). People Related Etc...
- ASSAULTED IN MOD "A" / NOW AD-SE6 STATUS WAS STRUCK
TWICE BY UNKNOWN INMATE WHO WAS "INDUCED" TO ATTACK
FOR NO APPARENT REASON -
5. **Administrative Remedies:**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
 - Did you appeal your request for relief on Count III to the highest level? ☒ Yes ☒ No
 - If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. DURESS, FEAR, ON GOING LEGAL AND ASSAULTIVE
ENVIRONMENT... WAS MOVED OUT OF "HOLE" TO MOD C. STATUS AD-SE6.

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

D. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statute

PUT IN FEDERAL CUSTODY IMMEDIATELY TO INSURE
LIFE, WELLBEING PRESERVED, MONETARY RELIEF
IN THE SUM OF \$10,000,000 FOR ALL LOSSES
INCURRED. IF FOUND / CONVICTED ON ANY OF FABRICATED
CHARGES TRANSPORTATION TO WASHINGTON
STATE TO SAFE FACILITY. CHANGE OF VENUE
RECUSE OF JUDGE SHACKLY RAFFETTO, CHARGES
TO BE ADDRESSED ON OAHU - MAUI TO HOSTEL
(JUDICIAL MISCONDUCT)
CORRUPT, DANGEROUS TO LIFE, CANNOT RECEIVE "FAIR"
ENTERTAINMENT OF ANYTHING HERE. PLEASE HELP.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

4/17/07

DATE

ABSOLUTELY!

EMERGENCY IN FEAR OF
RETALIATION LOSS OF LIFE!

PH/ Dugan PRO-SE
SIGNATURE OF PLAINTIFF

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach no more than fifteen additional pages. The form, however, must be completely filled in to the extent applicable.